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Stamas' 'MI Home' Amendment to Protect Private Property Owners Passed by Senate

LANSING – The rights of Michigan's private property owners will be defined thanks to a constitutional amendment and bill approved by the Michigan Senate Wednesday, said state Sen. Tony Stamas, a sponsor of one of the key measures.

Following a U.S. Supreme Court decision in the Kelo v. City of New London case, which allows the seizure of private property for private economic development projects, Stamas had a constitutional amendment drafted, dubbed "MI Home," to help protect the rights of Michigan's private property owners.

Senate Joint Resolution E, sponsored by Stamas, is designed to strengthen Michigan's constitution by defining public use.

"The MI-Home legislation makes it very clear that private property cannot be taken for private purposes," said Stamas, R-Midland. "This legislation establishes that the burden of proof is not on private residents to prove that their property shouldn't be taken – it is on the government to prove that they have a valid claim for eminent domain."

Senate Bill 693 will strengthen Michigan's existing eminent domain statute and clarifies that private business economic development could not fall under this "public use" definition.

The 5-4 U.S. Supreme Court decision upheld a Connecticut city's taking of private homes to be demolished and transferred the land to private developers to make room for an office complex. The court also ruled that states and municipalities have the right to make their own laws providing more protection regarding the seizure of private property.

According to the majority opinion, the decision was made based on cases in which the court previously interpreted "public use" to include urban revitalization and land redistribution in addition to more traditional projects such as bridges and highways.

"We must make sure that the rights of private property owners remain intact," Stamas said. "Yes the Michigan Supreme Court has ruled in favor of property owners in the past, but there is no telling what future courts might decide – that is why we need this constitutional amendment in place."

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The proposals now head to the House of Representatives for consideration.

If approved, SJR E is slated to be on the ballot for the 2006 election, while SB 693 would then head to the governor's desk.

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Editor's note: Audio comments from Sen. Stamas may be downloaded from the Michigan Senate Republican Majority Multi-Media Link web site at:

<http://www.senate.michigan.gov/gop/audiowire/stamas/index.htm>